

06 NOV 2008



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In re Application of	:	
CHEN, et al.	:	DECISION ON PETITION
Serial No.: 10/564,267	:	
PCT No.: PCT/US04/22226	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 09 July 2004	:	
Priority Date: 09 July 2003	:	
Atty Docket No.: 11245/49902	:	
For: HETEROCYCLIC COMPOUNDS AND	:	
THEIR USE AS ANTICANCER AGENTS	:	

This decision is in response to the petition under 37 CFR 1.47(a) filed 29 September 2008 and supplemented on 10 October 2008 in the United States Patent and Trademark Office (USPTO) to accept the application without the signature of joint inventor Hai-Ying He.

BACKGROUND

On 09 July 2004, applicant filed international application PCT/US04/22226 which claimed priority to a previous application filed 09 July 2003. Pursuant to 37 CFR 1.495, the 30 month deadline for entering the United States National stage was set to expire at midnight on 09 January 2006.

On 09 January 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 21 November 2007, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating that an executed oath or declaration of the inventors was required, as well as, payment of the \$130.00 surcharge for providing an executed oath or declaration later than thirty months from the earliest claimed priority date. Applicant was afforded two months to file a proper response.

On 18 April 2008, applicant filed a response accompanied by a petition for a three-month extension of time and payment of the extension of time fee.

On 25 August 2008, applicant was mailed a "Notification of Defective Response" (Form PCT/DO/EO/916) indicating that the filed declaration was defective and affording applicant one month to respond.

On 29 September 2008, applicant filed the petition under 37 CFR 1.47(a) discussed herein. The response included certification under 37 CFR 1.8 that the filing had been deposited as a first class mailing on 25 September 2008 is therefore considered timely filed.

On 10 October 2008, applicant filed a supplemental response including a declaration signed by inventor Hai-Ying He.

DISCUSSION

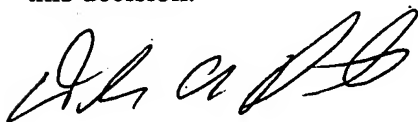
A review of the papers filed on 28 September 2008 find that they were a bona fide response to the Form PCT/DO/EO/916 mailed 25 August 2008. As of 10 October 2008, applicant has provided a signed declaration from each of the nine listed inventors. As such, the petition under 37 CFR 1.47(a) is dismissed as moot.

CONCLUSION

As applicant has filed a declaration signed by inventor Hai-Ying He the petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

As shown in the "Notification of Acceptance" (Form PCT/DO/EO/903) mailed 29 October 2008, this application has an international filing date of 09 July 2004 and a date of 10 October 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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